

## REMARKS

Claims 1-7, 13-20 and 30-38 are pending in the instant application. Claims 1-7, 13-20 and 30-36 presently stand rejected. Claims 1, 14, and 32 are amended herein. Claims 37 and 38 are newly presented. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 103*

Claims 1-7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. (US Pub. 2006/0031668 A1) in view of Boyd et al. (US Pub. 2004/0049600). Claims 14-20 and 30-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto in view of Boyd in further view of French et al. (US 6,988,193).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended independent claim 1 now recites, in pertinent part,

parsing the plurality of data packets using a network protocol stack to receive the boot agent and the boot image during the pre-boot runtime, **a portion of the network protocol stack executed in a hardware entity of the processing system using one or more network protocol offload engines during the pre-boot runtime;**

Applicants respectfully submit that the combination of Miyamoto and Boyd fails to teach or suggest executing a portion of a network protocol stack using a network protocol offload engine of a processing system **during a pre-boot runtime of the processing system.**

To be sure, the Examiner acknowledges that “Miyamoto does not expressly describe this as using one or more protocol offload engines.” *Office Action* mailed 11/02/06, page 3. Accordingly, the Examiner cites Boyd as disclosing this missing element from Miyamoto. While Boyd discloses offload engines, Boyd fails to disclose executing a portion of a network protocol stack using one or more network protocol offload engines **during a pre-boot runtime.**

Consequently, the combination of Miyamoto and Boyd fails to teach or suggest all elements of claim 1, as required under M.P.E.P. § 2143.03. Independent claims 14 and 32 now include similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 1, 14, and 32 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

#### New Claims 37 and 38

New claim 37 recites, “wherein the boot agent and the boot image are received at the processing system together as a block of data.” Miyamoto fails to disclose, teach, or suggest receiving both a boot agent and a boot image together as a block of data. With reference to the Examiner’s rejection of claim 1 in the *Office Action* mailed 11/02/06, Applicants understood the Examiner to be citing the OpBoot illustrated in FIG. 2 of Miyamoto as corresponding to the claimed “boot agent” and the ActiveOS as corresponding to the claimed “boot image.” Accordingly, Miyamoto clearly fails to teach or suggest Target Machine 204 as receiving the OpBoot and the ActiveOS together as a block of data. Rather, Miyamoto discloses that OpBoot is transmitted to the Target Machine 204 first from Managing Server 202. The OpBoot is then executed by Target Machine to request download of the ActiveOS from Managing Server 202. Since OpBoot is the entity requesting download of the ActiveOS, Miyamoto clearly fails to disclose OpBoot and ActiveOS as being received by the Target Machine 204 together.

New claim 38 recites, in pertinent part,

**receiving an acknowledgement in response to the boot server  
discovery request**, the acknowledgement indicating a size of the block of data including the boot agent and the boot image to be transmitted to the processing system; and  
pre-posting a buffer in system memory having a size based on the size of the block of data indicated in the acknowledgement, wherein the boot agent

and the boot image are buffered in the buffer upon receipt at the processing system.

The cited prior art fails to teach or suggest the above recited portions of claim 38. Regarding claim 6, the Examiner stated, "Boyd teaches pre-posting a buffer in the system memory of the processing system prior to receiving a first one of the plurality of data segments, the buffer having a size corresponding to a data block (pars. 0113 & 0114)." *Office Action* mailed 11/02/06, page 4. Applicants have read paragraphs 0113 and 0114 of Boyd and find no mention of pre-posting buffers.

Furthermore, paragraphs 0113 and 0114 of Boyd certainly do not disclose, teach, or suggest pre-posting a buffer in system memory to buffer a boot agent and a boot image and **wherein the pre-posted buffer has a size based on a size indicated in an acknowledgment received in response to a boot server discovery request.**

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

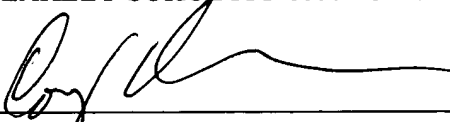
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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